

JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Kevin Mauldin

**(b)** County of Residence of First Listed Plaintiff Smith  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

The Schulman Law Firm P.C. John E. Schulman  
6440 N Central Exp Ste 210 Dallas, Texas 75206 (214) 361-2580

**DEFENDANTS**

Halliburton Energy Services, Inc.

County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FOREIGN TRADE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN**

(Place an "X" in One Box Only)

- 1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court

- 4 Reinstated or Reopened

Transferred from another district (specify) \_\_\_\_\_

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)  
42 USC § 200e, 42 USC § 1981, 29 USC § 216(b)

Brief description of cause: \_\_\_\_\_

Race and religious discrimination case and overtime claim.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMANDS

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER \_\_\_\_\_

DATE

7-23-08

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IPP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

KEVIN MAULDIN  
PLAINTIFF,

v.

HALLIBURTON ENERGY  
SERVICES, INC.,  
DEFENDANT

§  
§  
§  
§ CIVIL ACTION NO. \_\_\_\_\_  
§  
§  
§ JURY TRIAL DEMANDED

**PLAINTIFF'S ORIGINAL COMPLAINT**

Kevin Maudlin, Plaintiff hereby sues Halliburton Energy Services, Inc., Defendant. In support of his claims, Plaintiff respectfully states:

**Introduction**

1. This is a race discrimination and unlawful retaliation claim presented under the Equal Employment Opportunities Act, the Texas Commission on Human Rights Act and 42 U.S.C. § 1981. In this case, Plaintiff also alleges that Defendant made no effort, when requested, to allow him time off, even for part of one day per week, to worship at his church, in violation of both state and federal law. Plaintiff also alleges that Defendant violated a corporate policy which promises no retaliation against any employee who reports discrimination. Plaintiff also alleges that Defendant, in violation of the Fair Labor Standards Act, altered his work time records in order to deprive him of earned overtime and create a contrived discrepancy in his time keeping records, in order to justify a trumped-up termination.

**Parties**

2. Plaintiff Kevin Mauldin is an African American citizen of the state of Texas.

3. Defendant Halliburton Energy Services, Inc. (Defendant Halliburton) is a business corporation, which may be served with process through C.T. Corporation System, 1021 Main Street, Suite 1150, Houston, Texas 77002.

**Jurisdiction and Venue**

4. This Court has federal question jurisdiction. This Court also has supplementary jurisdiction over Plaintiff's state law claims.
5. Venue is proper in the United States District Court for the Eastern District of Texas, because substantially all of the acts and omissions at issue in this case occurred within the geographical boundaries of the Eastern District.

**Exhaustion of Administrative Remedies**

6. All administrative prerequisites to filing this suit have been properly exhausted and this lawsuit has been timely filed.

**Facts**

7. Defendant Halliburton is a wholly owned subsidiary of Halliburton Company, which in turn is one of the world's largest oilfield services companies with thousands of employees worldwide. Plaintiff worked at the Halliburton-Baroid Tyler, Texas, location. Plaintiff was the only black driver at that location. The only other black employees Plaintiff observed at the Tyler location worked as laborers in the warehouse.
8. Plaintiff started work for Halliburton-Baroid in June 2006. During the 15 months of his employment, until he was terminated, he had no history of discipline and he received three raises.
9. Starting in November of 2006 and continuing to the end of his employment, Plaintiff was subjected to racial harassment and worked in offensive conditions. The harassment

included being called a "nigger" on multiple occasions by one of his supervisors, warehouse Manager, Tony Ybarra, and others. Other offensive terms were used towards him by Manager Ybarra and others such as "jigaboo". Offensive racial jokes were also told in his presence by Manager Ybarra and others. Manager Ybarra also displayed a confederate flag on his desk, which Plaintiff found offensive. Throughout the period of the harassment, Plaintiff made it clear to his management that the offensive conduct was unwelcome. Plaintiff also reported the offensive conduct to the Halliburton Human Relations office in Kilgore, Texas, and the company hotline number in Houston, Texas, at the headquarters and nothing was done about it.

10. Plaintiff was also discriminated against by being told, starting in February of 2007, that he could no longer drive 15 hours per day and could only work a maximum of 12 hours per day. This cost Plaintiff a substantial amount of overtime pay. For a period of time, Plaintiff was the only driver with such limitations and the only black driver. White coworkers were not treated in the same manner at that time. Plaintiff also reported this discrimination to the Halliburton Human Relations office in Kilgore, Texas, and the hotline number in Houston, Texas and nothing was done about it.
11. In June 2007, Plaintiff had typically been working seven days a week and he had missed the opportunity to attend religious services at his church. Plaintiff is a member of a Jehovah's Witness church where he had a history of worshiping prior to working for Defendant. Plaintiff asked Manager Ybarra, then Manager Ybarra's supervisor Tom Burnett, if he could have Sundays off to worship. Both told him no, that his job required him to work seven days a week and that Plaintiff was not permitted to take off to worship

God at his church. Defendant made no effort whatsoever to accommodate Plaintiff's request.

12. After Plaintiff reported the ongoing racial harassment and discrimination to management and Halliburton Human Relations and the hotline number, he was retaliated against. Plaintiff was singled out for unfavorable, harder and longer job assignments. Plaintiff was openly threatened on more than one occasion, such as being told by David Pickett a Regional Manager located in Tyler, Texas, that if, he didn't like his job Plaintiff should find someplace else to work. Plaintiff was also told, by Mr. Pickett, that if he complained again his "sorry ass will be fired".
13. Plaintiff was ultimately fired based upon trumped-up false charges that he was trying to be paid for work he didn't do, when in reality, his original timecards and log sheets, upon which his pay was supposed to be based, were accurate. Further, Plaintiff's pay was approved by management each time before Plaintiff received a paycheck, and until Plaintiff was fired, no question was raised with him about alleged inaccuracies in his time keeping. Prior to his termination, Plaintiff, on several occasions, observed that his timecards were missing from the dispatcher's office and that timecards bearing his name were present in Manager Ybarra's office. Plaintiff also observed that "his" timecards were altered, specifically so that his time leaving work was shortened from the actual time he left work, as reflected in his original log sheets and the timecards he originally filled out. Defendant thereby deprived Plaintiff of earned overtime and created a contrived discrepancy between his logbooks and the altered timecards.

14. Plaintiff has been advised that Defendant Halliburton continues to state that Plaintiff falsified records in order to be paid for work he didn't perform. Therefore, Plaintiff alleges that the retaliation against him is continuing to date.
15. At all pertinent times the parties to this lawsuit were bound by a Halliburton Company policy by which all employees, including Plaintiff, were promised "*An employee who believes that he or she has been or is being subjected to discrimination, or who believes he or she has observed discrimination, and who reports that matter pursuant to this Policy shall not be retaliated against or adversely treated because of the making of the report*".

### Claims

#### Race Discrimination

16. As alleged above in substantial detail, Plaintiff Mauldin was the victim of many months of on-going discrimination and harassment in violation of the Equal Employment Opportunities Act 42 U.S.C. § 2000e- 2000e17, the Texas Commission on Human Rights Act, Chapter 21 Texas Labor Code, and 42 U.S.C. § 1981.

#### Unlawful Retaliation

17. As alleged above in substantial detail, Defendant also violated the Equal Employment Opportunities Act 42 U.S.C. § 2000e- 2000e17, the Texas Commission on Human Rights Act, Chapter 21 Texas Labor Code, and 42 U.S.C. § 1981, by retaliating against Plaintiff Mauldin because he opposed discrimination at the Halliburton-Bariod workplace.

#### Breach of Contract or Promissory Estoppel

18. At all pertinent times, Defendant was bound by the policy alleged in paragraph 15 above, not to retaliate against Plaintiff for reporting discrimination. As alleged above in

substantial detail, Defendant breached that promise to Plaintiff. In doing so, Defendant breached a specific contractual promise to Plaintiff, which altered his at will employment status or alternatively, provided Plaintiff a proper claim for relief under the Texas promissory estoppel rule.

**Fair Labor Standards Act**

19. As alleged above in substantial detail, Defendant altered Plaintiff's time records, thereby depriving him of earned overtime. In so doing, Defendant willfully violated the Fair Labor Standards Act, 29 U.S.C. §216 (b).

**Religious Discrimination**

20. As alleged above in substantial detail, Plaintiff Mauldin was the victim of religious discrimination, when Defendant made no effort whatsoever to allow Plaintiff to worship God at his church, in violation of the Equal Employment Opportunities Act 42 U.S.C. § 2000e- 2000e17, and the Texas Commission on Human Rights Act, Chapter 21 Texas Labor Code.

**Enhanced Damages**

21. The above-alleged violations of Plaintiff's civil rights were malicious or willful. Therefore, this is an appropriate case for the award of enhanced damages as permitted by state and federal law.

**Jury Trial**

22. Plaintiff demands trial by jury for all issues appropriately submitted to a jury.

**Prayer for Relief**

Plaintiff Kevin Mauldin respectfully requests the Court to grant him legal and equitable relief as follows:

1. damages for economic losses;
2. intangible compensatory damages;
3. punitive damages;
4. multiple overtime damages;
5. reinstatement or front pay;
6. injunctive relief forbidding further acts of discrimination;
7. reasonable attorneys' fees and court costs; and
8. such other relief as the Court deems, just, proper and equitable.

Respectfully submitted,



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